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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

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11 MICHAEL ALAN YOCOM,

12 Plaintiff,

13 v.

14 JOE BIDEN, *et al.*,

15 Defendants.

Case No. 1:21-cv-01015-DAD-BAM

ORDER DIRECTING CLERK OF THE  
COURT TO ADMINISTRATIVELY  
REDESIGNATE CASE AS A PRISONER  
ACTION AND ORDER TRANSFERRING  
CASE TO THE NORTHERN DISTRICT OF  
CALIFORNIA

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17 Plaintiff Michael Alan Yocom (“Plaintiff”), a state prisoner proceeding *pro se*, has filed a  
18 civil rights action pursuant to 42 U.S.C. § 1983. (Doc. No. 1.) The Clerk designated this action as  
19 a regular civil action.

20 The Court has reviewed the complaint and determined that the present action involves a  
21 prisoner litigating the conditions of his confinement. Consequently, the administrative  
22 designation should reflect this, and this matter should proceed according to the rules governing  
23 actions involving a prisoner litigating the conditions of his confinement. This includes Local Rule  
24 230(l) on motions in prisoner actions.

25 Further, the federal venue statute requires that a civil action, other than one based on  
26 diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all  
27 defendants are residents of the State in which the district is located, (2) a judicial district in which  
28 a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part

1 of the property that is the subject of the action is situated, or (3) if there is no district in which an  
2 action may otherwise be brought as provided in this section, any judicial district in which any  
3 defendant is subject to the court's personal jurisdiction with respect to such action." 28 U.S.C.  
4 § 1391(b).

5 In this case, the defendants do not appear to reside in this district. The claims arose in  
6 Monterey County, which is in the Northern District of California. Therefore, Plaintiff's claim  
7 should have been filed in the United States District Court for the Northern District of California.  
8 In the interest of justice, a federal court may transfer a complaint filed in the wrong district to the  
9 correct district. *See* 28 U.S.C. § 1406(a); *Ravelo Monegro v. Rosa*, 211 F.3d 509, 512 (9th Cir.  
10 2000).

11 Accordingly, it is HEREBY ORDERED as follows:

- 12 1. The Clerk of the Court SHALL change the administrative designation of the present  
13 case to reflect that of a prisoner litigating the conditions of his confinement;
- 14 2. The Clerk of the Court SHALL designate the case number in this action as follows:  
15 Case No. 1:21-cv-01015-DAD-BAM (PC); and
- 16 3. This matter is transferred to the United States District Court for the Northern District  
17 of California.

18  
19 IT IS SO ORDERED.

20 Dated: June 30, 2021

21 /s/ Barbara A. McAuliffe  
22 UNITED STATES MAGISTRATE JUDGE  
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